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OFFICE OF PETITIONS

In re Application of :
Shahidzadeh Shahrokh et al :
Application No. 10/676,178 : **ON PETITION**
Filed: September 30, 2003 :
Attorney Docket No. P16299 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 20, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks a proper item (3).

The record indicates that Schwegman, Lundberg, Woessner & Kluth, P.A. was responsible for prosecution of the application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Schwegman, Lundberg, Woessner & Kluth, explaining why action was not timely taken to prevent the application from becoming abandoned.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Schwegman, Lundberg, Woessner & Kluth, P.A. at P. O. Box 2938, Minneapolis MN, 55402, by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office (USPTO) is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the USPTO is requesting that Schwegman, Lundberg, Woessner, & Kluth, P.A. provide within a specified period (*e.g.*, one month) a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. Petitioner is advised that, in the event that Schwegman, Lundberg, Woessner, & Kluth, P.A. does not provide such a statement, petitioner should submit a copy of such letter and a copy of the return receipt.

Further correspondence with respect to this matter should be addressed as follows:

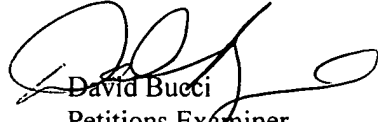
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571) 272-0602.

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David Bucci
Petitions Examiner
Office of Petitions